

March 12, 2003

***Via Facsimile – 202-224-9102
and First Class Mail***

Hon. Orrin Hatch
United States Senator
Chair, Senate Judicial Committee
224 Dirksen Senate Office Building
Washington, D.C. 20510

**Re: Judge Richard C. Wesley, Nominee
U.S. Court of Appeals, Second Circuit**

Dear Senator Hatch:

I write this letter to you and the members of the Senate Judiciary Committee in support of President Bush's nomination of Judge Richard C. Wesley for appointment to the U.S. Court of Appeals for the Second Circuit.

I have been a trial lawyer for almost 40 years and during that time have appeared in most of the courts in New York State both at the state and federal levels. During that time I have appeared before and become familiar with the work of literally dozens of judges. I am personally familiar with several of the judges on the Second Circuit. I also served as the president of the New York State Bar Association, the nation's largest voluntary state bar association.

I have known Judge Richard Wesley both on a personal and professional level for more than 20 years. During that time I have observed him in the courtroom, I have seen him speak on several occasions both in legal and non-legal settings and in continuing education programs, and I have observed him frequently in social settings.

Based upon my knowledge of Judge Wesley as a person and a judge, I believe with absolute certainty that he would be an extraordinary addition to the bench of the Second Circuit Court of Appeals. I make that statement for several reasons, some of which include:

- Most importantly, Judge Wesley has been and is an excellent judge; he is widely respected by his peers on the bench and within the bar; his remarkable record as a judge is a reflection of his broad grasp of legal principles, statutes and case law, his appreciation of the limited role assigned to the judiciary in a constitutional democracy, and of his admirable work ethic.

Reading just a few of Judge Wesley's decisions quickly leads to understanding of his ability to write succinctly, clearly and comprehensively and with a subtle style; two of the best illustrations of his skills as a judicial writer may be found in *Alami v. Volkswagen of America, Inc.*, 97 N.Y.2d 281(2002) and *People v. Harris*, 99 N.Y.2d 202 (2002).

At each of the levels at which Judge Wesley has presided – trial and appellate - he has emerged as a leader among his colleagues by virtue of his grasp of the facts and law in the case at hand, the prodigious hours which he devotes to research, analysis and writing, and his

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excellent administrative skills; for example, while serving at the trial level early in his career, he re-organized the manner in which criminal cases were processed in the judicial district so that a criminal case backlog of more than one year was reduced to one of slightly less than 60 days; the model for processing criminal cases developed by Judge Wesley is now followed throughout New York State.

- As members of your committee will soon learn, Judge Wesley is, to put it simply, good company. He enjoys the companionship of others regardless of their role, he listens with care to the words of those about him, and he exudes enthusiasm for the community in which he lives; the judge also avoids condescension or the appearance of aloofness; in an appellate court where the ability to be collegial and listen to the views of others, is of critical importance, I would imagine that the combination of Judge Wesley's personality and legal ability will quickly mark him as a great strength on the court; it will also reflect most favorably upon those who recommended the judge for a seat on the court.

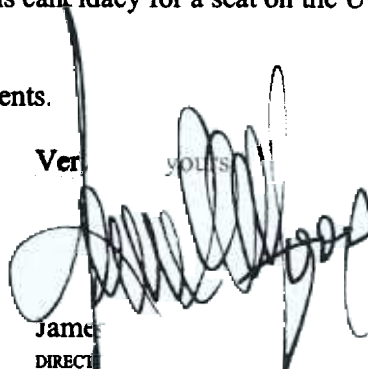
Not to be overlooked is the fact that Judge Wesley is a devoted husband and father of two children, that he has been active in the life of his community, and that he has participated frequently in professional activities.

- I have also observed that Judge Wesley is a person of firm convictions about the issues which have come before him; his respect for established law, for the separation of powers and for personal accountability for one's actions emerge time and again from the decisions which he has written throughout his judicial career.

Lastly, I would like to note that for many years Judge Wesley has kindly agreed to meet with our firm's summer interns to talk with them about issues such as: the difficult decisions which judges are occasionally called upon to make, how legal theory develops, what skills are important in the courtroom, why excellence in writing is vital to success on appeal, and the role which his clerks have played in assisting him; at the end of each summer, our clerks invariably rate the time which Judge Wesley spent with them as among the most important experiences which they had during the summer program.

I hope that this letter which only skims the surface of my respect for Judge Wesley, will be helpful to your committee in its evaluation of his candidacy for a seat on the U.S. Court of Appeals for the Second Circuit.

Thank you for considering these comments.

Very
Yours,

James
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JCM:cj
cc: Hon. Viet D.Dinh